

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CALIFORNIA NURSES ASSOCIATION,
NATIONAL NURSES ORGANIZING COMMITTEE

and

Case 31-CB-012913

HENRY MAYO NEWHALL MEMORIAL
HOSPITAL

ORDER REMANDING¹

On November 14, 2018, the National Labor Relations Board issued a Notice to Show Cause why this case should not be remanded to the judge for further proceedings in light of *The Boeing Co.*, 365 NLRB No. 154 (2017). The Charging Party filed a response supporting remand to the judge. The General Counsel and the Respondent filed responses opposing remand to the judge.²

Having duly considered the matter,

IT IS ORDERED that this proceeding is remanded to the Chief Administrative Law Judge for assignment to an administrative law judge for the purpose of reopening the record, if necessary, and the preparation of a supplemental decision addressing the Section 8(b)(1)(A)

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The General Counsel requests that the Board remand this case to the Regional Director for Region 31, instead of an administrative law judge, so that she may dismiss the remaining complaint allegation, which alleges that the Respondent violated Sec. 8(b)(1)(A) by printing “The *Weingarten* Rights” statement on the back cover of its collective-bargaining agreement with the Charging Party. The General Counsel contends that the remedy for that allegation would be duplicative of the existing remedy for the Board’s finding that the Respondent’s printing of the statement violated Sec. 8(b)(3). The Respondent requests that the Board not remand, asserting that the Board should dismiss the allegation because the Respondent believes that “The *Weingarten* Rights” statement did not violate Sec. 8(b)(1)(A) “as a matter of law, and especially in light of” *Boeing*, *supra*. We deny these requests and leave it to the judge who is assigned this case to consider any motion by the General Counsel to modify or withdraw, or by the Respondent to dismiss, the complaint.

complaint allegation, whether and to what extent it is affected by *Boeing*, and setting forth credibility resolutions, findings of fact, conclusions of law, and a recommended Order. Copies of the supplemental decision shall be served on all parties, after which the provisions of Section 102.46 of the Board's Rules and Regulations shall be applicable.

Dated, Washington, D.C., March 4, 2019

By direction of the Board:

/s/ Roxanne L. Rothschild

Executive Secretary